

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	
	:	
v.	:	Criminal No. 99-406-10
	:	
ROBERTO OSORIO	:	

O R D E R

Presently before the court is the motion of defendant Osorio's counsel for a continuance of trial, now scheduled for February 28, 2000, because counsel has scheduled a vacation in Spain to begin on that date. Counsel states in the motion that the court listed the case for trial after he scheduled his vacation in December 1999.

This case involves a 56 count indictment against nine defendants in addition to Mr. Osorio, requiring the coordination of numerous schedules and the ability of the court to dedicate a particular block of time on its schedule.

On November 10, 1999, well before counsel states he scheduled his Spanish vacation, the court specially listed this case for trial to commence on January 10, 2000. The court had already granted a similar prior motion.

On January 5, 2000, the parties filed a motion seeking still another continuance of the trial date. In that motion it was suggested that additional time was needed to conclude plea negotiations between the government and at least some of the defendants. By memorandum order of January 6, 2000, the court

granted that motion and specially relisted trial to commence on February 28, 2000. The court expressly stated in that memorandum order that this was "a final continuance" and was granted "on condition that all counsel agree to a special listing and attachment for February 28, 2000 and heed the court's admonition to undertake whatever efforts may be required to conclude the plea negotiations in the interim and otherwise fully prepare to proceed to trial at that time." The instant motion was filed over a month later.

Ordinarily the court makes every effort to accommodate scheduling conflicts, including those arising from the vacation plans of counsel. In these circumstances, however, counsel could not reasonably have expected to leave for a vacation on the very day the court had categorically stated that trial of this case would commence after granting a "final" extension on the express condition that all counsel prepare to proceed on that day.

In any event, the court simply cannot justify a further extension of the Speedy Trial Act deadline on the ground that counsel has planned a vacation.

ACCORDINGLY, this day of February, 2000,
defendant's Osorio's Motion for Continuance is **DENIED.**

BY THE COURT:

JAY C. WALDMAN, J.